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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 MATTHEW GANTT,

7 Plaintiff,

8 v.

9 JANET RHOTON,

10 Defendants.

Case No. C19-5352 RBL-TLF

ORDER TO SHOW CAUSE


11 In this action pursuant to 42 U.S.C. § 1983, plaintiff Matthew Gantt filed a motion  
12 for a preliminary injunction and temporary restraining order on September 26, 2019.  
13 Dkt. 28. In an order to show cause, this Court directed plaintiff to submit an affidavit to  
14 the court demonstrating how the motion for a temporary restraining order was related to  
15 the claims in plaintiff's complaint, since the motion for a TRO sought an injunction  
16 against unnamed defendants. Dkt. 29. Since then, plaintiff has submitted an amended  
17 complaint, adding new defendants and claims. Dkt. 51. Plaintiff's amended complaint  
18 does not make clear whether the new defendants are the same individuals described in  
19 the motion for a TRO. *See id.*

20 Furthermore, since the Court's order to show cause on this issue, the plaintiff has  
21 not submitted evidence to the Court that his situation meets the standard for a TRO. To  
22 obtain a preliminary injunction or TRO, the moving party must demonstrate: (1) he is  
23 likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence  
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1 of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is  
2 in the public interest. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008);  
3 *see also Stuhlbarh Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n. 7 (9th  
4 Cir. 2001). Plaintiff's motion in September alleged that he was in fear for his life due to  
5 lacking medical care for an acute injury. Dkt. 28, at 2-3. At this time, there is no  
6 evidence presented to the Court that shows any imminent injury.

7 Accordingly, **the Court orders plaintiff to show cause on or before March 3,**  
8 **2020, why his motion for temporary restraining order or preliminary injunction**  
9 **(Dkt. 28) should not be denied by the Court as moot.**

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11 Dated this 31st day of January, 2020.

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Theresa L. Fricke  
15 United States Magistrate Judge  
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